

Notice of Allowability

Application No.

10/046,083

Applicant(s)

FISH ET AL.

Examiner

Art Unit

Mary Cheung

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE filed on 23 June 2006.
2. ☒ The allowed claim(s) is/are 48 and 51-53.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Benjamin D. Driscoll on August 28, 2006.
3. The application has been amended as follows:
 - 1-47. (Cancelled).
 48. (Currently Amended) A system for rendering video content comprising:
 - a set-top terminal that has at least one port;
 - a security separable module that includes a physical layer key and an activation key₁ wherein the security separable module is removably coupled to the set-top terminal via the at least one port and the physical layer key decrypts the activation key₁ wherein the physical layer key is embedded at the time of manufacture of the security separable module and the activation key is supplied to the security separable module after manufacture of the security separable module.
 - 49-50. (Cancelled).

51. (Previously Amended) The system of claim 48 further comprising:
a session key stored in the security separable module that allows
rendering of the video content.

52. (Previously Presented) The system of claim 48 wherein the activation key
is supplied to the security separable module by a retailer.

53. (Previously Presented) The system of claim 48 wherein the activation key
is supplied to the security separable module through a network.

REASONS FOR ALLOWANCE

4. Claims 48 and 51-53 are currently pending and are allowed.

5. The following is an examiner's statement of reasons for allowance:

The closest prior art of Barlow (US 6,038,551) teaches a security module
includes a public key wherein the security separable module is removably coupled to
the set-top terminal and the public key allows rendering of digital content.

In regarding to independent claim 48, Barlow taken either individually or in
combination with other prior art of record fails to teach or suggest a security separable
module that includes a physical layer key and an activation key, wherein the security
separable module is removably coupled to the set-top terminal via the at least one port
and the physical layer key decrypts the activation key wherein the physical layer key is
embedded at the time of manufacture of the security separable module and the

activation key is supplied to the security separable module after manufacture of the security separable module.

6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

CONCLUSION

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Farris et al. (US 5,642,418) discloses satellite television system.

Colosso (US 6,169,976 B1) discloses regulating the use of licensed products.

Davis et al. (US 6,298,336 B1) discloses card activation at point of distribution.

Seamans (US 6,832,349 B1) discloses remote activation of enhanced functionality features in locally created documents.

Vanzini et al. (US 7,036,738 B1) discloses PCMCIA-compliant smart card secured memory assembly for porting user profiles and documents.

Wodzianek et al. (US 2003/0115465 A1) discloses platform activation.

Article titled "New Products: Vela Research's CineCiew Brings MPEG-2 Video to PC Screens" (EMedia Professional, v10, n11, p 28, November 1997, ISSN: 1090-946X).

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer, can be reached on (571) 272-6779.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone number for the organization where this application or proceedings is assigned are as follows:

(571) 273-8300	(Official Communications; including After Final Communications labeled "BOX AF")
(571) 273-6705	(Draft Communications)

Mary Cheung
August 28, 2006


MARY D. CHEUNG
PRIMARY EXAMINER